

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 87

February 14, 2011

SUMMARY OF BILL: Requires a minimum sentence of 10 days in jail for any person convicted of a Class B misdemeanor for a second offense of omitting or falsifying required information when selling second-hand mattresses. Requires a minimum sentence of 30 days in jail for any person convicted of a Class A misdemeanor for third and subsequent offenses of omitting or falsifying required information when selling second-hand mattresses. Requires the full jail sentence be served without sentence reduction credits.

ESTIMATED FISCAL IMPACT:

Increase Local Expenditures - \$900*

Assumptions:

- According to the Administrative Office of the Courts, there are no data regarding the number of convictions for FY09-10.
- It is estimated that one second offense conviction will occur annually, and one third or subsequent offense conviction will occur every three years.
- There are no data available on actual incarceration costs for local jails. According to the Department of Correction, the average county reimbursement for housing state felons for FY10-11 is \$43.85 per day.
- Local governments incur 100 percent of the cost to house individuals convicted of misdemeanors with mandatory sentencing requirements.
- The increase to local government expenditures for a second offense is estimated to be \$438.50 (\$43.85 x 10 days x 1 conviction) per year.
- The increase to local government expenditures for third or subsequent offenses is estimated to be \$1,315.50 (\$43.85 x 30 days x 1 conviction) every third year. The annualized cost is estimated to be \$438.50 per year (\$1,315.50/3).
- The total increase to local government expenditures is estimated to be \$877 (\$438.50 + \$438.50) per year.

*Article II, Section 24 of the Tennessee Constitution provides that: *No law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink, appearing to read "James W. White". The signature is fluid and cursive, with a large initial "J" and "W".

James W. White, Executive Director

/sbh